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Atty. Dkt. No. 355908-2550

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel Sauder, et al.
Title: TREATMENT OF IL-10
DEFICIENCIES
Appl. No.: 10/030,418
Filing Date: 5/10/2002
Examiner: Michail A. Belyavskyi
Art Unit: 1644

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| <p>CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.</p> <p><u>Rene Campos</u> (Printed Name)</p> <p><u><i>Rene Campos</i></u> (Signature)</p> <p><u>11-09-04</u> (Date of Deposit)</p> |
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SECOND INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date 11-9-04

FOLEY & LARDNER LLP
Customer Number: 38706
Telephone: (650) 251-1103
Facsimile: (650) 856-3710

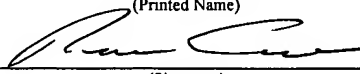
By Gerald F. Swiss
Gerald F. Swiss
Attorney for Applicant
Registration No. 30,113



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TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

1. Second Information Disclosure Statement (2 pgs.);
2. PTO Form 1449 (1 pg.);
3. References as cited on PTO Form 1449 as B1-B3 and C1-C2; and
4. Return postcard.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even

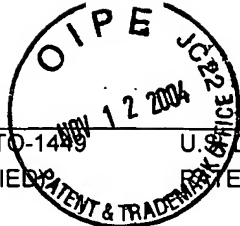
entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit
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By Gerald F. Swiss
Gerald F. Swiss
Attorney for Applicant
Registration No. 30,113



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| Form PTO-1449 (MODIFIED) INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | ATTY. DOCKET NO. 355908-2550 | SERIAL NO. 10/030,418 |
| | APPLICANT Daniel Sauder, et al. | | |
| | FILING DATE 5/10/2002 | GROUP ART UNIT 1644 | |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB- CLASS | FILING DATE IF APPROPRIATE |
|---------------------|-----|--------------------|------|------|-------|---------------|----------------------------------|
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FOREIGN PATENT DOCUMENTS

| | REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB- CLASS | TRANSLATION | |
|--|-----|--------------------|------------|---------|-------|---------------|-------------|----|
| | | | | | | | YES | NO |
| | B1 | WO98/07436 | 2/26/1998 | PCT | | | | |
| | B2 | WO00/62788 | 10/26/2000 | PCT | | | | |
| | B3 | WO00/67764 | 11/16/2000 | PCT | | | | |
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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|--|----|---|
| | C1 | Shivji et al. "Effects of VA972 Therapy on Allergic Contact Hypersensitivity" <i>Journal of Investigative Dermatology</i> 114(4):862 (2000) |
| | C2 | Fiorencino et al. "Th2 Clones Secrete a Factor that Inhibits Cytokine Production by Th1 Clones" <i>J. Exp. Med.</i> 170:2081-2095 |
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EXAMINER**DATE CONSIDERED**

- * **EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.